

REMARKS

Applicants respectfully request that the above-identified application be reexamined.

This amendment is filed in response to the Office Action mailed on September 2, 2008, which notified applicants that the response filed on May 30, 2008, was not fully responsive to the prior Office Action because no response to the rejection of Claims 15-17 based on Rosen in view of Williams was included in the response. The present response includes the description of the Williams reference and addresses the rejection of Claims 15-17. Applicants' undersigned attorney apologizes for the oversight.

Claims 1-28 are pending in this application. The Office Action mailed February 7, 2008 (hereinafter "Office Action"), objected to Claims 16, 17, and 28 as being of improper dependent form. Claims 2-5, 9, 13, 14, 21, 26, and 28 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,557,518 to Rosen (hereinafter "Rosen"). Claims 6-8, 10-12, 18-20, and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the teachings of U.S. Patent No. 5,557,518, issued to Rosen, in view of the teachings of U.S. Patent No. 5,610,980, issued to Johnson (hereinafter "Johnson"). Claims 15-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the teachings of U.S. Patent No. 5,557,518, issued to Rosen, in view of the teachings of U.S. Patent No. 6,119,105, issued to Williams (hereinafter "Williams").

While applicants disagree with the rejection, in order to advance the prosecution of the current application, independent Claims 1, 9, 21, and 28, as well as a number of dependent claims have been amended.

Pursuant to 37 C.F.R. § 1.111 and for the reasons set forth below, applicants respectfully request reconsideration and allowance of the pending claims. Prior to discussing in detail why applicants believe that all the claims in this application are allowable, a brief description of the

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disclosed subject matter and brief descriptions of the teachings of the cited and applied references are provided. The following descriptions of the disclosed subject matter and the cited and applied references are not provided to define the scope or interpretation of any of the claims of this application. Instead, these descriptions are provided solely to assist the United States Patent and Trademark Office in recognizing the differences between the pending claims and the cited references, and should not be construed as limiting on the disclosed subject matter.

Disclosed Subject Matter

Methods and apparatus for purchasing tangible products from merchant servers using a virtual payment account is disclosed. The merchant servers store product databases containing information regarding tangible items offered for sale. In one exemplary form, in association with a merchant server receiving an order from a consumer computer to purchase a tangible product from the merchant server using a virtual payment account, an authentication request is transmitted via a secure link to a commerce gateway that serves a plurality of merchant servers, including the merchant server. In response to receiving the authentication request, the commerce gateway determines whether a valid virtual payment account maintained by the commerce gateway is associated with the consumer computer. In response to the commerce gateway determining that a valid virtual payment account is associated with the consumer computer, the commerce gateway returns an account identifier to the consumer computer. In response to the merchant server receiving the order to purchase the tangible product and the account identifier from the consumer computer, the merchant server obtains a valid transaction authorization from the commerce gateway. In response to the merchant server receiving the valid transaction authorization, the purchase of the tangible product is completed.

Summary of U.S. Patent No. 5,557,518 - Rosen

Rosen is purportedly directed towards a system for open electronic commerce having a customer trusted agent securely communicating with a first money module, and a merchant trusted agent securely communicating with a second money module. Both trusted agents are capable of establishing a first cryptographically secure session, and both money modules are capable of establishing a second cryptographically secure session. The merchant trusted agent transfers electronic merchandise to the customer trusted agent, and the first money module transfers electronic money to the second money module. The money modules inform their trusted agents of the successful completion of payment, and the customer may use the purchased electronic merchandise. Rosen fails to teach, disclose, or suggest a method for purchasing a product from a merchant server using a virtual payment account, wherein the merchant server stores a product database containing information regarding tangible items offered for sale. Specifically, Rosen fails to teach or suggest in association with a merchant server receiving an order from a consumer computer to purchase a tangible product from the merchant server using a virtual payment account, transmitting an authentication request via a secure link to a commerce gateway that serves a plurality of merchant servers, including the merchant server and in response to the merchant server receiving the order to purchase the tangible product and the account identifier from the consumer computer, obtaining a valid transaction authorization from the commerce gateway; and, in response to the merchant server receiving the valid transaction authorization, completing the purchase of the tangible product.

Summary of U.S. Patent No. 5,610,980 - Johnson

Johnson purportedly describes a multi-component system for linking a user to a product or service provider that includes a user processing device, a storage device, and a provider device. The storage device stores provider-specific application software, user-specific data, and

a file management program. The storage device and the processing device are coupled to each other to form a user device which communicates with the provider device. Under direction of the file management program, the processing device carries out a recognition methodology which determines whether the processing device and the storage device are authorized to operate with each other. This aspect of the system makes it possible to render the storage device operable only with a specific user processing device, referred to as the principal processing device. This, in turn, reduces the possibility of fraud since the storage device cannot be used without the principal processing device. Once it is determined that the processing and storage devices are authorized to interact with each other, the processing device executes the provider-specific application software to exchange information with the provider device. Like Rosen, Johnson fails to teach, disclose, or suggest in association with a merchant server receiving an order from a consumer computer to purchase a tangible product from the merchant server using a virtual payment account, transmitting an authentication request via a secure link to a commerce gateway that serves a plurality of merchant servers, including the merchant server and in response to the merchant server receiving the order to purchase the tangible product and the account identifier from the consumer computer, obtaining a valid transaction authorization from the commerce gateway; and, in response to the merchant server receiving the valid transaction authorization, completing the purchase of the tangible product.

Summary of U.S. Patent No. 6,119,105 - Williams

Williams purportedly describes a secure transmission of data between a plurality of computer systems over a public communication system, such as the Internet. Secure transmission of data is provided from a customer computer system to a merchant computer system. The data includes information regarding a payment instrument from the merchant computer system to a payment gateway computer system. The payment gateway system

evaluates the payment information and returns a level of authorization of credit via a secure transmission to the merchant which is communicated to the customer by the merchant. The merchant can then determine whether to accept the payment instrument tendered or deny credit and require another payment instrument.

Like Rosen and Johnson, Williams fails to teach, disclose, or suggest in association with a merchant server receiving an order from a consumer computer to purchase a tangible product from the merchant server using a virtual payment account, transmitting an authentication request via a secure link to a commerce gateway that serves a plurality of merchant servers, including the merchant server and in response to the merchant server receiving the order to purchase the tangible product and the account identifier from the consumer computer, obtaining a valid transaction authorization from the commerce gateway; and, in response to the merchant server receiving the valid transaction authorization, completing the purchase of the tangible product.

Objection to Claims 16, 17, and 28 Under 37 C.F.R. § 1.75(c)

The Office Action objected to the improper dependence of Claim 16. In accordance with the Office Action, Claim 16 has been amended to be dependent from Claim 15.

Rejection of Claims 2-5, 9, 13, 14, 21-26, and 28 Under 35 U.S.C. § 102(b)

As indicated above, Claims 2-5, 9, 13, 14, 21, 26, and 28 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,557,518 to Rosen.

Claims 2-5

Claim 2, as amended, reads as follows:

2. A method for purchasing a product from a merchant server using a virtual payment account, **the merchant server storing a product database containing information regarding tangible items offered for sale, the method comprising:**

in association with a merchant server receiving an order from a consumer computer to purchase a tangible product from the merchant

server using a virtual payment account, **transmitting an authentication request via a secure link to a commerce gateway that serves a plurality of merchant servers, including the merchant server;**

in response to **the commerce gateway receiving the authentication request, determining whether a valid virtual payment account maintained by the commerce gateway is associated with the consumer computer;**

in response to **the commerce gateway determining that a valid virtual payment account is associated with the consumer computer, returning an account identifier to the consumer computer;**

in response to **the merchant server receiving the order to purchase the tangible product and the account identifier from the consumer computer, obtaining a valid transaction authorization from the commerce gateway; and**

in response to **the merchant server receiving the valid transaction authorization, completing the purchase of the tangible product.**

(Emphasis added.)

Applicants respectfully submit that Claim 2, as amended, is not anticipated by Rosen because Rosen fails to teach, disclose, or suggest the recitations of Claim 2 marked in bold. As a result, Claim 2, as amended, is submitted to be allowable over Rosen. Because Claims 3-5 depend directly or indirectly from Claim 2, Claims 3-5 are submitted to be allowable for at least the same reasons as Claim 2. These claims are also submitted to be allowable for additional reasons. More specifically, Rosen does not teach, disclose, or suggest the recitations of Claims 3 and 5, or the recitation of Claim 4, when considered in combination with the claims for which these claims directly or indirectly depend.

Claims 9, 13, and 14

Claim 9, as amended, reads as follows:

9. A method for purchasing a product from a merchant server using a virtual payment account associated with a consumer computer, **the merchant server storing a product database containing information regarding tangible items offered for sale, the method comprising:**

in association with a merchant server receiving an order from said consumer computer to purchase a tangible product using a virtual payment account as the method of payment for said product, transmitting an authentication request via a secure link to a commerce gateway that serves a plurality of merchant servers, including the merchant server;

in response to the commerce gateway receiving said authentication request at said commerce gateway, determining whether a valid virtual payment account is associated with said consumer computer at said commerce gateway;

in response to the commerce gateway determining that a valid virtual payment account is associated with said consumer computer, transmitting an account identification container to said consumer computer;

transmitting a purchase request including said account identification container from said consumer computer to said merchant server;

transmitting said purchase request from said merchant server to said commerce gateway;

receiving said purchase request at said commerce gateway and determining whether said virtual payment account may be used to pay for said product;

in response to determining that said virtual payment account may be used to pay for said product, transmitting a valid transaction authorization from said commerce gateway to said merchant server and said consumer computer;

charging said virtual payment account for a cost associated with said product; and

providing said tangible product to a consumer associated with said consumer computer by shipping the tangible product to the consumer.

(Emphasis added.)

Claim 9 has been amended with the subject matter of, and in the manner similar to, Claim 2, albeit in a slightly different form. As a result, Claim 9, as amended, is submitted to be allowable for at least the same reasons as Claim 2. Because Claims 13 and 14 depend directly or

indirectly from Claim 9, Claims 13 and 14 are submitted to be allowable for at least the same reasons as Claim 9.

Claims 21-26 and 28

Claim 21, as amended, reads as follows:

21. An apparatus for purchasing a **tangible** product from a merchant **server** using a virtual payment account associated with a consumer computer over an internetwork, comprising:

a consumer computer comprising a network interface for connecting to said internetwork, a processing unit coupled to said network interface, and a storage medium coupled to said processing unit;

a merchant **server** comprising a network interface for connecting to said internetwork, a processing unit coupled to said network interface, and a storage medium coupled to said processing unit;

a commerce gateway comprising a network interface for connecting to said internetwork, a processing unit coupled to said network interface, and a storage medium coupled to said processing unit, **the commerce gateway serving a plurality of merchant servers, including the merchant server;** and

wherein said storage medium of said consumer computer contains program code executed by said consumer computer processing unit for transmitting a request to said merchant **server** to purchase a **tangible** product, said purchase request identifying a virtual payment account **associated with the consumer computer** as the method of payment for said product; and

wherein said storage medium of said merchant **server** contains program code executed by said merchant **server** processing unit for requesting the identity of a valid virtual payment account associated with said consumer computer in response to receiving a purchase request from said consumer computer and **a product database, the product database containing information regarding tangible items offered for sale;** and

wherein said storage medium of said commerce gateway contains program code executed by said commerce gateway processing unit for determining whether a valid virtual payment account is associated with said consumer computer, and for transmitting an account identification container to said consumer computer in response to determining that a valid virtual payment account is associated with said consumer computer.

(Emphasis added.)

Applicants respectfully submit that Claim 21, as amended, is not anticipated by Rosen. Specifically, Rosen fails to teach, disclose, or suggest a commerce gateway serving a plurality of merchant servers, including the merchant server and a virtual payment account associated with the consumer computer, as well as a product database containing information regarding tangible items offered for sale. As a result, Claim 21, as amended, is submitted to be allowable over Rosen. Because Claims 22-26 depend directly or indirectly from Claim 21, Claims 22-26 are submitted to be allowable for at least the same reasons as Claim 21. These claims are also submitted to be allowable for additional reasons since the subject matter of these dependent claims is not disclosed, taught, or suggested by Rosen when the subject matter of the claims is considered in combination with the claims from which they depend.

Because Claim 28 has been amended to recite "the merchant server storing a product database containing information regarding tangible items offered for sale," which Rosen fails to teach, disclose, or suggest, Claim 28, as amended, is submitted to be allowable over Rosen.

Rejection of Claims 6-8, 10-12, 18-20, and 27 Under 35 U.S.C. § 103(a)

Claims 6-8, 10-12, 18-20, and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosen in view of the teachings of Johnson.

Because Claims 6-8 depend directly or indirectly from Claim 2, which is submitted to be allowable over Rosen, even if the teachings of Johnson were combinable with the teachings of Rosen, which applicants deny, Claims 6-8 are also allowable over Rosen and Johnson for at least the same reasons as Claim 2 since Johnson does not make up for the deficiencies of Rosen discussed above in regard to Claim 2.

Because Claims 10-12 and 18-20 depend directly or indirectly from Claim 9, which is submitted to be allowable over Rosen, even if the teachings of Johnson were combinable with

the teachings of Rosen, which applicants deny, Claims 10-12 and 18-20 are also allowable over Rosen in view of Johnson for at least the same reasons as Claim 9 since Johnson does not make up for the deficiencies of Rosen discussed above in regard to Claim 9.

Because Claim 27 depends from Claim 21, which is submitted to be allowable over Rosen, even if the teachings of Johnson were combinable with the teachings of Rosen, which applicants deny, Claim 27 is also allowable over Rosen in view of Johnson for at least the same reasons as Claim 21 because Johnson does not make up for the deficiencies of Rosen discussed above in regard to Claim 21.

Rejection of Claims 15-17 Under 35 U.S.C. § 103(a)

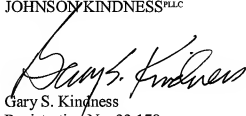
As indicated above, Claims 15-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the teachings of Rosen, in view of the teachings of Williams. Because Claims 15-17 depend directly or indirectly from Claim 9, which is submitted to be allowable over Rosen, even if the teachings of Williams were combinable with the teachings of Rosen, which applicants deny, Claims 15-17 are also allowable over Rosen in view of Williams for at least the same reasons as Claim 9 because Williams does not make up for the deficiencies of Rosen discussed above in regard to Claim 9.

CONCLUSION

In view of the foregoing amendments and remarks, applicants respectfully submit that all of the remaining claims in this application are allowable. Consequently, early and favorable action passing this application to issue is respectfully requested. If the Examiner has any remaining questions, the Examiner is encouraged to contact applicants' attorney at the number set forth below.

Respectfully submitted,

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